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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Wavve Americas, Inc., a Delaware
corporation,

Plaintiff,

vs.

Tumi Max, an individual,

Defendant.

Case No. 2:23-cv-01819-MTL

**DECLARATION OF
KYLE W. KELLAR IN
SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER**

I, Kyle W. Kellar, declare as follows:

1. I am a partner with the law firm of Lewis Roca Rothgerber Christie LLP. I am counsel for wavve Americas, Inc. ("Plaintiff" or "wA") in this action. I submit this declaration in support of wA's Motion for Temporary Restraining Order. I make this declaration based on my personal knowledge and could competently testify to the facts stated herein if called upon to do so.

2. The undersigned undertook an unprompted Internet search to determine the status of Defendant's KOKOA service on January 28, 2024. In response to that Internet search, various articles about Defendant's KOKOA service were discovered, each bearing a publication date in December 2023.

3. Attached hereto as Exhibit A is a true and correct copy of the webpage that resolves from <https://whatsmind.com/2023/12/02/kokoa-tv/> as it appeared on January 29, 2024.

4. Attached hereto as Exhibit B is a true and correct copy of the webpage that resolves from <https://radical.fm/kokoa-tv/> as it appeared on January 29, 2024.

5. Attached hereto as Exhibit C is a true and correct copy of the webpage that resolves from <https://medium.com/@techmodena/kokoa-tv-comprehensive-guide-and-handytips-5fe49e28bd15> as it appeared on January 29, 2024.

6. Attached hereto as Exhibit D is a true and correct copy of the webpage that resolves from <https://genuistechy.com/kokoatv-gateway-to-entertainment/> as it appeared on January 30, 2024.

7. Attached hereto as Exhibit E is a true and correct copy of the webpage that resolves from <https://community.roku.com/t5/Channels-viewing/Is-okoatv-available-on-Roku/tdp/926427> as it appeared on January 29, 2024.

8. Attached hereto as Exhibit F is a true and correct copy of the webpage that resolves from https://www.reddit.com/r/koreanvariety/comments/18501yl/buying_korean_ott_platform_subscriptions/ as it appeared on January 30, 2024.

9. Attached hereto as Exhibit G is a true and correct copy of the webpage that resolves from <https://www.similarweb.com/website/kokoatv.net/#outgoing-links> as it appeared on January 30, 2024.

10.

Program (Korean Title)	Program (English Title)	KOKOATV.NET Offering	KOCOWA® Offering	Owner
넘버스 : 감시자들	Numbers	https://kokoatv.net/tv-show/%eb%84%98%eb%b2%84%ec%8a%a4-%eb%b9%8c%eb%94%a9%ec%88%b2%ec%9d%98-%ea%b0%90%ec%8b%9c%ec%9e%90%eb%93%a4/	https://www.kocowa.com/en_us/season/78717530/numbers	MBC
생존게	Mission	https://kokoatv.net/tv-	https://www.kocowa.com/	KBS

Program (Korean Title)	Program (English Title)	KOKOATV.NET Offering	KOCOWA® Offering	Owner
임 코드레드	CodeRed	show/%ec%83%9d%ec%a1%b4%ea%b2%8c%ec%9e%84-%ec%bd%94%eb%93%9c%eb%a0%88%eb%93%9c/	en_us/season/79029549/mission-codered	
조선변 호사	Joseon Attorney: A Morality	https://kokoatv.net/tv-show/%ec%a1%b0%ec%84%a0%eb%b3%80%ed%98%b8%ec%82%ac/	https://www.kocowa.com/en_us/season/74145257/joseon-attorney-a-morality	MBC
강심장 리그	Thumbnail Battle: The Strongest Hearts	https://kokoatv.net/tv-show/%ea%b0%95%ec%8b%ac%ec%9e%a5-%eb%a6%ac%ea%b7%b8/	https://www.kocowa.com/en_us/season/77808304/thumbnail-battle-the-strongest-hearts	SBS
어쩌다 마주치 그대	My Perfect Stranger	https://kokoatv.net/tv-show/%ec%96%b4%ec%a9%8c%eb%8b%a4-%eb%a7%88%ec%a3%bc%ec%b9%9c-%ea%b7%b8%eb%8c%80/	https://www.kocowa.com/en_us/season/76561204/my-perfect-stranger	KBS
나의 X 스투잘	My 20 th Twenty	https://kokoatv.net/tv-show/%eb%82%98%ec%9d%98-x%ea%b0%99%ec%9d%80-%ec%8a%a4%eb%ac%b4%ec%82%b4/	https://www.kocowa.com/en_us/season/76411757/my-20th-twenty	KBS
하늘의 인연	Meant To Be	https://kokoatv.net/tv-show/%ed%95%98%eb%8a%98%ec%9d%98-%ec%9d%b8%ec%97%b0/	https://www.kocowa.com/en_us/season/76179394/meant-to-be	MBC
과학수 사대 스모킹 건	KCSI: Smoking Gun	https://kokoatv.net/tv-show/%ea%b3%bc%ed%95%99%ec%88%98%ec%82%ac%eb%8c%80-%ec%8a%a4%eb%aa%a8%ed%82%b9-%ea%b1%b4/	https://www.kocowa.com/en_us/search?q=KCSI%3A%20Smoking%20Gun	KBS
금 이 야 이 야	Apple of My Eye	https://kokoatv.net/tv-show/%ea%b8%88%ec%9d%b4%ec%95%bc-%ec%98%a5%ec%9d%b4%ec%95%bc/	https://www.kocowa.com/en_us/season/74047619/apple-of-my-eye	KBS
소년 판 타지 방 과 후 설 렘 시 즌2	Fantasy Boys	https://kokoatv.net/tv-show/%ec%86%8c%eb%85%84%ed%8c%90%ed%83%80-%ec%a7%80-%eb%b0%a9%ea%b3%bc%ed%9b%84-%ec%84%a4%eb%a0%98-%ec%8b%9c%ec%a6%8c2/	https://www.kocowa.com/en_us/season/74483666/fantasy-boys	MBC

11. Attached hereto as Exhibit H is a true and correct copy of an email from the

undersigned to Namecheap's legal department at legal@namecheap.com sent on September 1, 2023, attaching a letter to Namecheap, a subpoena to Namecheap, and documents filed as Dkts. 1, 11, and 12. The attachments to the email are omitted but can be provided upon request by the Court.

12. Attached hereto as Exhibit I is a true and correct copy of an email from Namecheap's legal department to the undersigned sent on September 1, 2023, confirming receipt of the email and attached that form Exhibit H to this declaration.

13. Attached hereto as Exhibit J is a true and correct copy of an email from the undersigned to Namecheap's legal department at legal@namecheap.com sent on January 29, 2024, describing wA's intent to proceed with this Motion for Entry of a Temporary Restraining Order that would bind Namecheap and attaching a copy of the [Proposed] Order that is being filed concurrently with this Motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 2nd day of February, 2024, at Los Angeles, California.

/s/Kyle W. Kellar
Kyle W. Kellar